

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743
www.dir.ca.gov/oshsb

**FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

TITLE 8, Chapter 4, Subchapter 7, Article 165, Section 6184
of the General Industry Safety Orders.

Employee Alarm Systems**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons.

Summary and Response to Oral and Written Comments:**I. Written Comments:**

There were no written comments received during the 45-Day Public Comment Period; however, a written comment was received from the Office of the State Fire Marshal in response to the Occupational Safety and Health Standards Board's (Board) request for approval for this rulemaking action pursuant to Government Code Section 11359(a).

Daniel Najera, Regulations Coordinator, Office of the State Fire Marshal, by letter dated June 7, 2005.

Comment:

Mr. Najera proposed the following amendments to the proposed text as shown in double underline/double strikeout:

§6184. Employee Alarm Systems.
(a) Scope and Application.

* * * * *

(1) Where local fire alarm signaling systems are required by these orders, they shall meet the requirements of this Section and the design requirements of either the National Fire Protection Association's "National Fire Code," NFPA No. 72, 2002, as amended by the State Fire Marshal in the Title 24, California Building/Fire Code, which is hereby incorporated by reference, for

systems installed after [_____ * _____], or the National Fire Protection Association's "Standard for the Installation, Maintenance, and Use of Local Protective Signaling Systems for Watchman, Fire Alarm and Supervisory Service," NFPA No. 72A1975, which is hereby incorporated by reference, for systems installed on or before [_____ * _____] and the requirements of this Section.

* * * * *

Mr. Najera stated that these changes are requested due to Health and Safety Code Section 13114, which gives the State Fire Marshal authority to adopt standards necessary to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in California. Mr. Najera added that in order for systems required by Title 8 to be designed and installed in a manner consistent with those required by the State Fire Marshal, the design criteria must be identical. Mr. Najera stated that the State Fire Marshal has amended the National Fire Alarm Code and has placed these amendments in Title 24, the California Building/Fire Code. He concluded by stating that the standards, as proposed do not address the design criteria for systems modified after the initial installation. It is not the State Fire Marshal's intent to require retroactive compliance with their standards, but to gain compliance when these systems are modified or upgraded.

Response:

Board staff notes that the proposal was submitted to the Office of the State Fire Marshal for review on October 28, 2004. Board staff made several attempts to contact the Fire Marshal's Office for a response earlier this year, and hand-delivered another copy of the proposal to their office in early June. Board staff determined that the amendments to the Title 24, California Building/Fire Code, referred to by Mr. Najera are only "proposed" amendments and are not codified at this time. Consequently, the regulated public does not have access to the State Fire Marshal's amendments to the 2002 Edition of the National Fire Code. The Board therefore proposes to proceed in adopting this rulemaking action with the intent of addressing the Fire Marshal's concerns and amendments to NFPA 72, 2002, in a future rulemaking action, if applicable.

II. Oral Comments:

Oral comments received at the October 21, 2004, Public Hearing in San Diego, California.

Ms. Elizabeth Treanor, Director, Phylmar Regulatory Roundtable.

Comment:

Ms. Treanor stated that on behalf of the Phylmar Regulatory Roundtable, they supported the proposal overall, but expressed their continued concern regarding the incorporation of national consensus standards into Title 8 by reference, particularly when they become outdated and unavailable to the regulated public. Board Member Harrison asked Ms. Treanor what a possible solution might be. Ms. Treanor responded that including the text of the national consensus

standards into the Title 8 would be ideal, though impractical, making Title 8 more voluminous than it already is.

Response:

The Board agrees that incorporating the text of national consensus standards into Title 8 would be impractical, given the many references to national consensus standards throughout Title 8. Moreover, the Board is required by law to make Title 8 available electronically via the Board's website. Having the national consensus standards available via the internet in Title 8 would subsequently violate the copyright laws that protect these documents. Consequently, although the Board sympathizes with Ms. Treanor's concern, the Board is unable to resolve this dilemma.

The Board thanks Ms. Treanor and the Phylmar Regulatory Roundtable for their support of the proposal, their comments, and participation in the Board's rulemaking process.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.